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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,329	12/04/2000	Varghese John	00228-US-NEW3	8197

20350	7590	07/17/2007
TOWNSEND AND TOWNSEND AND CREW, LLP		
TWO EMBARCADERO CENTER		
EIGHTH FLOOR		
SAN FRANCISCO, CA 94111-3834		

EXAMINER	
KAM, CHIH MIN	

ART UNIT	PAPER NUMBER
1656	

MAIL DATE	DELIVERY MODE
07/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/730,329

Applicant(s)

JOHN ET AL.

Examiner

Chih-Min Kam

Art Unit

1656

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-10 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7, 10 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Sequence Error Report</u> |

DETAILED ACTION

Status of the Claims

1. Claims 6-10 and 22 are pending.

Applicant's amendment filed April 26, 2007 is acknowledged, and applicants' response has been fully considered. Claims 6, 7 and 22 have been amended. Therefore, claims 6-10 and 22 are examined.

Withdrawn Informalities

2. The previous objection to the specification regarding the description of drawings is withdrawn in view of applicants' amendment to the specification, and applicants' response at page 9 in the amendment filed April 26, 2007.

Withdrawn Claim Rejections - 35 USC § 112

3. The previous rejection of claim 22 under 35 U.S.C. 112, second paragraph, is withdrawn in view of applicant's amendment of the claim, and applicant's response at page 9 of the amendment filed April 26, 2007.

Sequence Listing

4. A paper copy and CRF of Sequence Listing filed April 26, 2007 is acknowledged. However, there are errors in the Sequence Listing (See attached Sequence Listing Error Report) Applicants must comply with the requirements of the sequence rules (37 CFR 1.821-1.825) and provide a copy of sequence listing and CRF containing all the sequences. Appropriate correction is required.

Claim Objection

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5. Claim 6 is objected to because of the recitation of the term “V, A. E and F is/are replaced by a conservative substitution”, where a “comma”, not a “period” should be inserted between “A” and “E”.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 6, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6, 8 and 9 are indefinite because of the use of the term “wherein the phenyl group may optionally have.....”. The term cited renders the claim indefinite, it is not clear which phenyl group optionally has the substitution, and whether the phenyl group has the substitution or not. Claims 8 and 9 are included in this rejection for being dependent on a rejected claim and not correcting the deficiency of the claim from which they depend.

It is noted that in the previous amendment filed August 28, 2006, claim 6 does not recite the term “wherein the phenyl group may optionally have.....”. If this phrase is newly added to claim 6, it should be underlined to indicate this new addition.

Claim Objections

7. Claims 7, 10 and 22 are objected to because the claim is dependent from a rejected claim.

Conclusion

8. Claims 6, 8 and 9 are rejected; and claims 7, 10 and 22 are objected to.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Min Kam whose telephone number is (571) 272-0948. The examiner can normally be reached on 8.00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathleen Bragdon can be reached at 571-272-0931. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Chih-Min Kam, Ph. D.
Primary Patent Examiner

A handwritten signature in black ink, appearing to be 'Chih-Min', followed by a long horizontal stroke.

CHIH-MIN KAM
PRIMARY EXAMINER

CMK

July 12, 2007

Sequence Error Report

=====

Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).

Reviewer: markspencer

Timestamp: Fri May 11 14:31:34 EDT 2007

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Reviewer Comments:

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* * * * *

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Xaa can only be a single amino acid residue.

Application No: 09730329

Version No: 3.0

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Tung, Jay

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